

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TRACY WATTS,

Plaintiff(s),

07cv0824

ELECTRONICALLY FILED

v.

ROBERT TRETINIK Health Care
Administrator, DR. MICHAEL HERBICK
Doctor, CHRIS MEYERS (P.A.),

Defendant(s).

Order of Court Denying Application for Review (Doc. No. 71)

This is a pro se prisoner civil rights action. Plaintiff has filed several motions for appointment of counsel, which United States Magistrate Judge Hay has denied (doc. nos. 47, 66 and 70). After reviewing the Orders by Judge Hay setting forth the factors to be considered when determining whether plaintiff is entitled to counsel in a civil case, this Court finds that Judge Hay committed no clear error of law nor did she abuse her discretion in weighing the appropriate legal factors set forth in *Parham* against plaintiff. *See Cippollone v. Liggett Group, Inc.*, 785 F.2d 1108, 1113 (3d Cir. 1986) (Magistrate decision on a non-dispositive motion will be set aside only if the order is clearly erroneous or contrary to law). Accordingly, plaintiff's request that this Court reverse the Order of Judge Hay and to appoint counsel to represent the plaintiff (doc. no. 71) is DENIED, and the decision of Judge Hay to deny plaintiff counsel is hereby AFFIRMED.

SO ORDERED this 2nd day of September, 2008.

s/Arthur J. Schwab

Arthur J. Schwab
United States District Judge

cc: All counsel of record

AS-2157

S.C.I. Coal Township

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PRO SE PLAINTIFF